

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: LEGISLATIVE & RULES

DATE: JUNE 11, 2008

COMMITTEE MEMBERS PRESENT: OTHERS PRESENT:

SUPERVISORS	THOMAS	FREDERICK MONROE, CHAIRMAN OF THE BOARD
	HASKELL	PAUL DUSEK, COUNTY ATTORNEY
	TESSIER	HAL PAYNE, COMMISSIONER OF ADMINISTRATIVE & FISCAL
	BENTLEY	SERVICES
	STEC	RICHARD MURPHY, DEPUTY COMMISSIONER OF FISCAL
	MERLINO	SERVICES
	GIRARD	JOAN SADY, CLERK OF THE BOARD
		NICOLE LIVINGSTON, DEPUTY CLERK OF THE BOARD
		SUPERVISOR STRAINER
		FRANK O'KEEFE, TREASURER
		ROB LYNCH, DEPUTY TREASURER
		SARAH MCLENITHAN, LEGISLATIVE OFFICE SPECIALIST
		AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. Thomas called the meeting of the Legislative Committee to order at 11:30 a.m.

Copies of the agenda were distributed to the Committee members, a copy of which is on file with the minutes.

Motion was made by Mr. Bentley, seconded by Mr. Merlino and carried unanimously to approve the minutes from the April 28, 2008 Committee meeting, subject to correction by the Clerk of the Board.

Mr. Thomas advised that Agenda Item 1 pertained to a referral from the Real Property Tax Services Committee requesting a change in legislation to allow property tax payments to be applied to the oldest year owed to avoid foreclosure action. He explained that currently the rule was that once three years of unpaid taxes had accumulated with the County on a residential property, a foreclosure action was initiated and the property owners were required to pay the newest years taxes first and had to pay back to the oldest year in order to avoid foreclosure. Mr. Thomas advised that a change in the legislation would allow for the oldest years taxes to be paid first, thereby avoiding foreclosure and allowing the homeowner additional time in which to pay the taxes in arrears.

Motion was made by Mr. Haskell, seconded by Mr. Merlino and carried unanimously to request a change in legislation to allow property tax payments to be applied to the oldest year owed first in order to avoid foreclosure action and the necessary resolution was authorized for the June 20th Board meeting.

Mr. Thomas apprised that Agenda Item 2 consisted of a second referral from the Real Property Tax

Services Committee asking that the Legislative Committee consider allowing property taxes to be paid quarterly as opposed to annually in a lump sum payment. He noted that a letter in opposition to this change had been submitted by Frank O'Keefe, County Treasurer, copies of which were distributed to the Committee members; *a copy of the letter is also on file with the minutes.*

Mr. Haskell stated that although he had initially been in favor of allowing taxpayers to make quarterly payments, he now felt that this allowance would place additional financial burdens on the Towns as they would be forced to fund the costs of a Tax Collector four times per year rather than once as they were now. He added that while he was certainly amenable to assisting taxpayers in the tax payment process as much as possible, he did not think this was the best way to do it as it would place additional stress on Town Budgets. Mr. Stec advised that he too opposed a change in the payment methods in light of Mr. O'Keefe's letter which indicated that this would cause a cash flow problem for both the Towns and the County.

Subsequent to discussion on the matter, it was the consensus of the Committee that no action would be taken to alter the payment methods for property tax payments.

Messrs. O'Keefe, Lynch and Murphy left the meeting at 11:35 a.m.

Agenda Item 3, Mr. Thomas announced, referred to the Tax Incremental Financing Program supported by Assembly Bill A07075 and Senate Bill 369, copies of which were included in the agenda. He explained that he had learned of these bills at the recent meeting of the Adirondack Association of Towns and Villages and that the idea of the Bill was that increased construction and development within the Towns could be achieved by using the additional tax base to finance affordable housing. Mr. Thomas then read the "Justification" portion of Assembly Bill A07075, which is included in the agenda packet.

Mr. Merlino pointed out that by financing affordable housing in this way, it would reduce the amount of funds available to balance the individual Town Budgets which would lead to higher taxes for residents. He said that although this plan initially sounded favorable because it was an easy way to promote affordable housing, the prospects of tax increases to residents was unfavorable.

Chairman Monroe stated that the theory behind the Bill was that a method was needed to create affordable housing not only for lower income families, but also for those people with middle income jobs who were still unable to afford housing. He added that the Bill appeared to represent a mechanism to allow communities that perceived affordable housing issues as pertinent to address them. Chairman Monroe added that this would be an effort for all of a Town's taxpayers to assist in solving a public problem. If the Bill was not approved, he stated, the communities of Warren County would remain very limited in what they could do to promote affordable housing.

Mr. Strainer advised that there should be additional clauses in place that would prevent people from obtaining affordable housing which they could then sell and profit from. Chairman Monroe replied

that the Adirondack Community Housing Trust (ACHT) model already had such provisions in place through their operations which mandated that the property title remain in the Trust's name while a 99-year lease was given to the occupant. He explained that if the property was sold, the leaseholder would receive 25% of the increase in the equity value of the home while the remaining 75% was retained by the ACHT.

Discussion ensued with respect to the matter.

Mr. Girard asked Paul Dusek, County Attorney, to explain the section of the Bill which pertained to the fiscal implications and issuance of "Obligation Bonds" by the municipality and Mr. Dusek replied that, unfortunately, he was unable to do so as he had not had the opportunity to review the information previously. He advised that he would read the material and would be prepared to discuss the matter further at the next Committee meeting.

Chairman Monroe noted that it did not appear that the Bill would mandate any action on the part of the Towns but would give them another option as to how affordable housing could be introduced into their communities.

Motion was made by Mr. Haskell, seconded by Mr. Stec and carried unanimously to table discussion on Assembly Bill A07075 until the next Committee meeting to allow Mr. Dusek the opportunity to extensively review it prior to making a recommendation to the Committee.

Moving to the Pending Items section of the agenda, Mr. Thomas stated that Item A included a notation that the County Attorney's Office was to research the prior Compact relative to the Lake George Basin. Mr. Dusek apprised that although he was aware of the general implications of the Compact, he did not recall what questions had been asked by the Committee. He advised that he would review the minutes from previous Committee meetings in which this item was discussed to determine what questions had been asked and he would return to the next Committee meeting with the information requested.

Mr. Thomas stated that Pending Item B referred to the prevailing wage structure in New York and he noted that he had prepared a draft resolution with regard to the matter, a copy of which was included in the agenda. He explained that the resolution requested that Governor Paterson and the State Legislature seriously and objectively consider amending or repealing the requirements of the Prevailing Wage Law, in an effort to make government sponsored work more competitive and much less costly to the taxpayers of New York who could no longer afford artificial expenses.

Mr. Haskell pointed out that the prevailing wage rates had been set in light of the fact that union contractors were required to be trained and apprenticed in order to lend a better quality of work.

Chairman Monroe noted that the prevailing wage rates set were appropriate for the metropolitan areas of the State, but not for the more rural areas, such as Warren County.

Discussion ensued with respect to the matter.

Motion was made by Mr. Stec, seconded by Mr. Bentley and carried by majority vote to approve the resolution presented by Mr. Thomas regarding prevailing wage rates, with Mr. Haskell voting in opposition, and the necessary resolution was approved for the June 20th Board meeting.

Mr. Thomas advised that Pending Item C consisted of a referral from the Finance Committee regarding the County's position on a Circuit Breaker Tax Credit, and he noted that a copy of Senate Bill 1053A was included in the agenda. He explained that this Bill would apply only to school taxes and would essentially replace the STAR (School TAX Relief) Program with a sliding scale that would limit the amount paid by any homeowner with a household adjusted gross income of \$120,000 or less.

Chairman Monroe apprised that Senator Elizabeth O'C Little was in full support of this Bill. He then advised of a startling statistic reported by the Adirondack Regional Assessment Project that since 1970, the number of students in the Adirondacks had decreased by 16,000, approximately 34%, and during the same time period the number of teachers had increased by 27%. Chairman Monroe said that the prevalent reason for the increase in teachers was State mandates, according to many school administrators. He advised that the Bill would help taxpayers whose school taxes had dramatically increased, but would hamper the school districts unless something was done about the increasing mandates imposed upon them.

Motion was made by Mr. Stec, seconded by Mr. Girard and carried by majority vote to support Senate Bill 1053A, with Mr. Haskell abstaining, and the necessary resolution was authorized for the June 20th Board meeting. Mr. Haskell advised that he had abstained from the vote as he did not fully understand the implications of the Senate Bill.

Mr. Thomas stated that there was a final item for discussion which had not been included in the agenda, that being a request from the Lake George Association (LGA) for a resolution supporting the submission of a grant application to the New York State Office of Parks, Recreation and Historic Preservation for funds to develop the West Brook Property (*also known as the Gaslight Village Property*) into a public environmental park. *A copy of the letter and documentation received from the Lake George Association is on file with the minutes.*

Mr. Tessier advised that he had received a similar letter of request from the LGA and he suggested that a meeting of the Town and Village of Lake George, as well as the Board of Supervisors and the 3E's (Environmental Groups) be called to discuss the matter as the project plans, which included the removal of all existing structures for the creation of meadowland, were not consistent with those agreed upon previously. Mr. Dusek pointed out that a Management Committee, consisting of Mr. Tessier; Mr. Belden; Robert Blais, Mayor of the Village of Lake George; William Lamy, DPW Superintendent and representatives of the 3E's, had been appointed to discuss matters pertaining to the property and it might be appropriate for this group to meet and discuss the issues prior to bringing

the matter before the group suggested by Mr. Tessier. He said that this matter would involve legal issues, as well as some others that Chairman Monroe had been involved in, and both he and Chairman Monroe would attend the meeting.

Subsequent to discussion on the matter, it was the consensus of the Committee that a meeting of the Management Group for the West Brook Property should be scheduled at the earliest opportunity and that no action would be taken with respect to the request for a resolution in support of the grant application being submitted by the LGA.

As there was no further business to come before the Legislative Committee, on motion made by Mr. Haskell and seconded by Mr. Stec, Mr. Thomas adjourned the meeting at 12:03 p.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist